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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,344	10/09/2001	Stephen K. Scolamiero	B01-31	6207

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,344	Applicant(s) SCOLAMIERO ET AL.	
	Examiner EDMUND H. LEE	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/09/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 9-11 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/29/04.
2. Applicant's election without traverse of claims 1-8, 12-14 and 16-18 in the reply filed on 6/29/04 is acknowledged.
3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the predetermined standard preform volume" (cl 1) lacks antecedent basis in the claim.

The phrase "the step of closing" (cl 3) lacks antecedent basis in the claim.

Correction is required.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenk (USPN 4085937) in view of Harris (USPN 4209476). In regard to claim 1, Schenk teaches the basic claimed process including making a golf core (col 6, lns 30-40; figs 1-4); forming at least one preform (col 6, lns 30-40; figs 1-4); measuring each

preform (col 6, Ins 30-40; figs 1-4)—the use of controlled volume portioning apparatus inherently entails a step of measuring; and advancing each preform to a spherical cavity (col 6, Ins 30-40; figs 1-4). Schenk, however, does not teach using the measurements to determine a measured volume of each preform; and advancing each preform to a spherical cavity if the measured volume is substantially equal to the predetermined standard preform volume. Harris teaches a method of extruding molded articles (figs 1-11); measuring a portion of an extrudate to determine a volume (figs 1-11); and advancing the extrudate if the measured volume is within an acceptable range (figs 1-11). Schenk and Harris are combinable because they are analogous with respect to extrusion molding. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the measuring means and step of measuring of Harris to the preform slugs of Schenk in order to the molding of good cores. In regard to claim 2, such is taught by Schenk as evident at col 6, Ins 20-65. In regard to claims 3 and 4, the specific moving direction of the mold halves is a mere obvious matter of choice dependent on molding equipment availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed moving direction is well-known in the molding art in order to ensure proper sealing. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to move the mold halves along the claimed directions in order to ensure proper sealing.

6. Claims 5-8, 12-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenk (USPN 4085937) in view of Harris (USPN 4209476). In

regard to claim 5, Schenk teaches the basic claimed process including making a golf core (col 6, lns 30-40; figs 1-4); forming at least one preform (col 6, lns 30-40; figs 1-4); measuring each preform (col 6, lns 30-40; figs 1-4)--the use of controlled volume portioning apparatus inherently entails a step of measuring. Schenk, however, does not teach using the measurements to determine a measured volume of each preform. Harris teaches a method of extruding molded articles (figs 1-11); measuring a portion of an extrudate to determine a volume (figs 1-11); and advancing the extrudate if the measured volume is within an acceptable range (figs 1-11). Schenk and Harris are combinable because they are analogous with respect to extrusion molding. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the measuring means and step of measuring of Harris to the preform slugs of Schenk in order to the molding of good cores. In regard to claim 6, such is taught by Schenk (col 6, lns 30-40; figs 1-4). In regard to claim 7, such is taught by Schenk (col 6, lns 30-40; figs 1-4). In regard to claim 8, the use of a laser micrometer is a mere obvious matter of choice dependent on equipment availability and of little patentable consequence to the claimed process. Further, laser micrometers are well-known in the molding art to measure volume. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a laser micrometer on the preform of Schenk in order to accurately measure the volume of the preform. In regard to claims 12-13, such is taught by the above combination of Schenk and Harris. In regard to claim 14, visual cues are well-known in the molding art as a means to indicate an error. Thus, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to use a visual cue in the process of Schenk (modified) in order to clearly and effectively alert an error. In regard to claim 16, such is well-known in the molding art in order to prevent the molding of an unacceptable article. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made in order to prevent the molding of an unacceptable golf ball core. In regard to claims 17 and 18, it is well-known in the molding art to automatically adjust a molding variable such as rate of cutting in order to achieve a desired measurement. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the rate of cutting of Schenk if the measured volume of Schenk (modified) is unacceptable in order to ensure the molding of acceptable golf ball cores.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cloutier (USPN 6582215) teaches the state of the art .


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL



9/20/04.